

Applicant: Giant Industries Arizona Inc.

Agent: Nino Trujillo

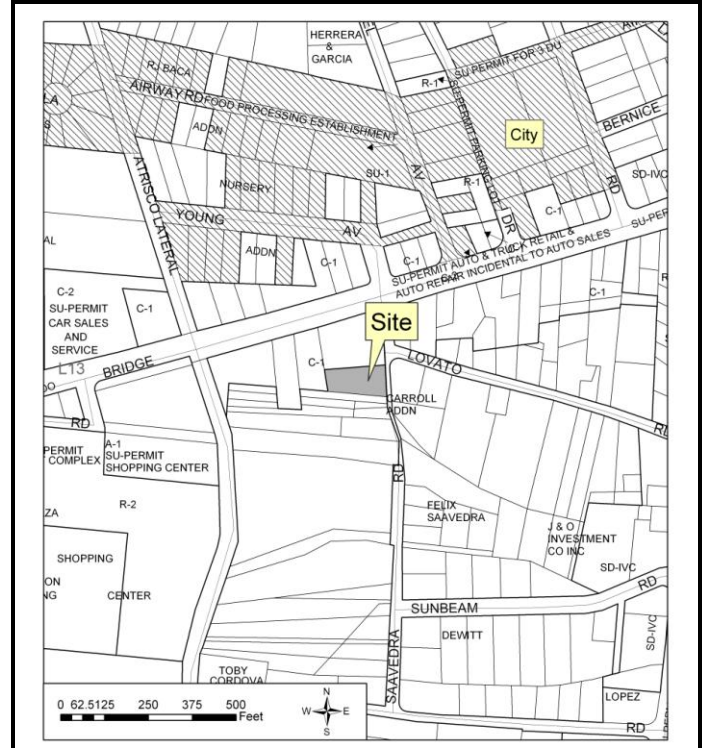
Location: 191 Saavedra Road SW

Property Size: .28 acres (approximately)

Existing Zone: R-1

Proposed Request: C-1

Recommendation: Deferral



Summary: The applicant is requesting a zone map amendment for R-1 to C-1 for approximately .28 acre parcel of land located on the south side of Bridge Boulevard between the Atrisco Lateral and Lovato Road. The applicant anticipates developing the property with retail commercial uses. The site is currently vacant.

The site is located in the Semi Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Three (3) of the Southwest Area Plan

Staff Planner: Enrico Gradi, Program Planner

Attachments: 1. Application
2. Land Use Map

Bernalillo County Departments and other interested agencies reviewed this application from 3/22/2010 to 4/12/2010. Agency comments are verbatim and were used in preparation of this report, which being on page 9.

AGENDA ITEM NO.: 16
County Planning Commission
May 5, 2010

CZ-20100004 Nino Trujillo, agent for Giant Industries Arizona, Inc., requests approval of a zone map amendment from R-1 to C-1 on Tract 61B, located at 191 Saavedra Road SW, MRGCD Map #41, and containing approximately .28 acres. (L-13)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

| Site | Zoning | Land Use |
|--------------|---------------|-----------------|
| | R-1 | Vacant |
| North | C-1 | Vacant |
| South | R-1 | Vacant |
| East | R-1 | R-1 |
| West | C-1 | Commercial Uses |

BACKGROUND:

The Request

The applicant is requesting a zone map amendment for R-1 to C-1 for an approximately .28 acre parcel of land located on the south side of Bridge Boulevard between the Atrisco Lateral and Lovato Road. The applicant seeks to combine the subject site with the adjacent parcel to the north and develop the property with retail commercial uses. The site is currently vacant.

Request Justification

The applicant contends that the existing zoning is inappropriate as there have been significant changes in neighborhood conditions since the adoption of the existing R-1 zoning that justify the requested zoning and land use change.

Surrounding Land Use and Zoning

The subject site is currently vacant. To the west is a property zoned C-1 and contains a commercial business. The site to the north is zoned C-1 and is vacant. The land use south of the site is residential as is the area east of the site.

The most current zoning activity that have occurred in the general vicinity was the approval for a Special Use Permit for Specific Use for Retail of Automobiles & Trucks and Auto Repair (incidental to car sales) for a site located approximately 100 feet north east of the subject site (CSU 90011).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is within the Semi Urban Area as designated in the Comprehensive Plan. The goal in the Comprehensive Plan is to “maintain the character and identify of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses.”

Policy a states “Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre.

- 2) Develop and adopt area and sector development plans to protect local resources and community values.”

Policy b states “Development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community.

- 3) Guide development through area and sector development plans, facilities plans, and Subdivision and Zoning Ordinances.”

Policy c states, “The following policies shall govern industrial and commercial development in Semi-Urban areas:

- . Mixed-use areas should protect residential uses in the area, which offering a variety of local employment opportunities.

Southwest Area Plan (SWAP)

This site is located within Residential Area Three of the Southwest Area Plan and on Isleta Boulevard, a segment of the historic “Camino Real”.

Policy 12 states, “Isleta Boulevard shall be recognized and treated as a historic route. Any modifications on Isleta Boulevard shall protect, rehabilitate, restore and enhance the historic, cultural and economic significance of this important segment of “Camino Real”.

Policy 14 States, “To protect the fragile landforms and air quality in the plan area, new development or major modification to existing roads and other major public facilities shall adapt to the existing natural environment, topography, soils, vegetation, geology, and hydrology.”

j) Protect cottonwood trees and other predominantly surface root water vegetation by requiring site design that preserves existing mature cottonwood trees through relocation and surfacing materials limit compaction and allow water infiltration.

Policy 26 states, “Mixed use development within C-N and C-1 zoning shall be encouraged within historic village centers and on Isleta Boulevard between Bridge and Camino del Valle, to allow owners to reside at their place of business.

- a) Permit secondary residential use in conjunction with a primary business use. Residences may be located in part of the primary business structure or behind the primary business structure.”

Policy 45 states, “Encourage the location of newly developing neighborhood scale commercial and office use to be within their defined village centers.”

Policy 46 states, “Balance economic development and quality of life for existing communities as well as for newly developed areas.”

Policy 61 states, “Encourage economic development of neighborhood character and scale along Isleta Boulevard consistent with the existing rural/urban mix.

- a) Maintain current zoning for business, residential and agricultural lands along Isleta Boulevard.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.

- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse

land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

ANALYSIS:

Surrounding Land Use and Zoning

The applicant is requesting a zone map amendment for R-1 to C-1 for an approximately .28 acre parcel of land located on the south side of Bridge Boulevard between the Atrisco Lateral and Lovato Road. The applicant seeks to combine the subject site with the adjacent parcel to the north and develop the property with retail commercial uses.

The majority of parcels that front Bridge Boulevard in this area are zoned C-1 and the parcels that are located behind the commercial parcels are largely zoned for residential uses. This site by itself does not appear to be large enough for a commercial land use, however, the applicant also own the parcel to the north and intends to eliminate the lot line and create one parcel that can be developed for commercial uses..

Plans

Albuquerque Bernalillo County Comprehensive Plan

The subject site is located in the Semi Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan, Residential Area Three (3) of the Southwest Area Plan and within the Isleta Boulevard and Village Centers Sector Development Plan area.

The request appears to facilitate realization of these plans in that the request is consistent with the mixed use designation of the Semi Urban Area of the Comprehensive Plan and with the Southwest Area Plan Policy 26 that encourages mixed use development on Isleta Boulevard to allow owners to reside at their place of business. The subject property is located within the I-MU zone as identified in the Isleta Boulevard & Village Centers Sector Development Plan.

Southwest Area Plan (SWAP)

Policy 29 states that, "The City and County shall stabilize residential zoning and land use in the Plan area."

Policy 34 states that, "Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties."

- a) Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

Policy 45 states that, "Encourage the location of newly developing neighborhood scale commercial and office use to be within their defined village centers."

Policy 46 states that, "Balance economic development and quality of life for existing communities as well as for newly developed areas."

Policy 49 states that "Promote small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate

dollars with the Area economy to enhance a community environment and meet retail, recreation and service needs of Area plan residents.”

Policy 50 states that, “Emphasize job creation and expansion of employment opportunities for residents of the Southwest Area Plan.”

Plans

This site is located in the Semi Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan which calls for maintaining the character and identify of semi urban areas. This request does not appear to be in significant conflict with the elements of the Comprehensive Plan in that the use of the subject site has existed amid this community for over 39 years and will continue to maintain the integrity and character of the surrounding environment.

This request appears to facilitate the Southwest Area Plan in that the proposed request contains access and adequate infrastructure with respect to water, sewer and roads and would provide a service that would be beneficial to the quality of life to this area of the South Valley.

Zoning Ordinance

This request is consistent with Resolution 116-86 of the Zoning Ordinance in that the request is not in significant conflict with the elements of the adopted plans and policies and, due to the changed neighborhood conditions, a different use category would be more advantageous to the community in providing neighborhood scale services to this part of the South Valley that is experiencing a substantial increase in residential development. The proposed land use does not appear to constitute a “spot zone” as C-1 zoned properties exist directly north and west of the site.

Agency Comments

The Public Works Division commented that if the zone change is approved, a Traffic Impact Study, additional public right-of-way and road improvements may be required at the time of subdivision or development.

Analysis Summary

| Zoning | |
|-------------------|---|
| Resolution 116-86 | The proposed C-1 is not in conflict with adopted elements of the Comprehensive Plan and other adopted plans. |
| | C-1 zoning is appropriate for the area given the changed neighborhood conditions |
| | Proposed land use would be more advantageous to the community in that it provides neighborhood scale services |

COUNTY PLANNING COMMISSION

May 5, 2010

CZ-20100004

| | |
|-----------------------|---|
| | to this particular area of the South Valley. |
| | The proposed C-1 zoning does not constitute a “spot zone” as C-1 zoning exist directly north and east of the site. |
| Plans | |
| Comprehensive Plan | Consistent with Developing and Semi Urban designation for mixed uses. |
| Southwest Area Plan | The proposed use could balance economic development and the quality of life for existing communities as well as for newly developed areas and would not interfere with the integrity and character of the area. |
| Other Requirements | |
| Public Works Division | A Traffic Impact Study, additional public right-of-way and road improvements may be required at the time of subdivision or development. |

Conclusion

The request for a zone change to allow neighborhood commercial uses seems reasonable given the changed community conditions in the immediate vicinity and Bridge Boulevard in general. The request does not appear to constitute a “spot zone” as C-1 zoning has been established north and west of the subject site. However, the applicant has yet to articulate a sound response to Resolution 116-86 with regard to changed community conditions.

RECOMMENDATION:

Deferral of CZ-20100004

Enrico Gradi
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

No adverse comment. Use must comply with all applicable Environmental Health codes and regulations.

Fire:

Approved numbers or addresses shall be placed on all new and existing building in such a position as to be plainly visible and legible from the street or road fronting the property and shall contrast with their background. Numerals shall be a minimum of 4 inches in height.

The proposed development must meet the requirements of the Bernalillo County Fire Marshal's office.

Zoning Administrator

The purpose of the C-1 zone is to "provide suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of nearby residential areas and to minimize any adverse effect on nearby residential development" (ref. Sec. 14.A.).

Permissive uses include residential, office, and light commercial development, such as drugstores, restaurants, retail shops, and service stations.

Granting of the proposed zone change and future development of the site will necessitate compliance with established county standards, including landscaping, parking, and density requirements.

Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time.

There are no zoning violations on this property.

Building Department Manager: No comments.

Public Works:

DRAN:

1. No adverse comment.

DRE

1. At the time of development they will be required to submit a Grading & Drainage and a Traffic Impact Analysis.

Parks & Recreation:

No adverse comment

Sheriff's: No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comment

AMAFCA: No comment.

City Planning Department/Development Services: No comments received.

City Open Space: No adverse comments.

Municipal Development Dept:

Transp. Planning:

No comment

Transp. Development: No adverse comments.

City Transit: No comments received.

ABCWUA/Utility Development Section: No adverse comments.

City Environmental Health: No comments received.

NM Department of Transportation

A TIA may be required for the development. The type and intensity of commercial development will dictate whether or not TIA is needed.

Albuquerque Public School:

Commercial uses will have no adverse impacts to the APS district.

PNM:

No adverse comment.

NEIGHBORHOOD ASSOCIATIONS:

South Valley Alliance

South Valley Coalition of Neighborhood Associations

South West Alliance